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EXAMINER
COLAN, GIOVANNA B

ART UNIT	PAPER NUMBER
2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 October 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to the Amendment filed on 10/11/2006.

2.   Claims 1 – 18 are pending in this application.

3.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

4.   Applicant's arguments with respect to claims 1- 18 have been considered but are

moot in view of the new ground(s) of rejection.

Drawings

5.   The newly amended drawings are objected to because they do not show a

legend for clarification of the items; and they are crossed out.

      Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate .

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Objections

6.   Claims 15 – 16 are objected to because of the following informalities:

Claims 15 – 16 include parenthesis in the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

8.   Claims 1 – 18 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 1, 9, 15, 17, and 18 are not statutory because claims they merely recite

computing steps without producing any concrete, useful result and tangible result and/or

being limited to a practical application within the technological arts (such as, outputting

or displaying).

That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at *>1373-74<, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 **> (1966); In re Fisher, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); In re Ziegler, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Coss et al. (Coss hereinafter) (US Patent No. 6,170,012 B1).

The term "adapted to" and "adapted" in claims 1, 3, 5, 6, 7, 11, and 16 have not been given patentable weight because such terms are optional terms which suggests or

make optional but do not require steps to be performed or do not limit a claim to a

particular structure; thus, do not limit the scope of a claim or claim limitation. Therefore,

one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention.

According to: MPEP § 2106:

The subject matter of a properly construed claim is defined by the terms that limit

its scope. It is this subject matter that must be examined. As a general matter, the

grammar and intended meaning of terms used in a claim will dictate whether the

language limits the claim scope. Language that suggests or makes optional but does

not require steps to be performed or does not limit a claim to a particular structure does

not limit the scope of a claim or claim limitation. The following are examples of language

that may raise a question as to the limiting effect of the language in a claim:

(A)   statements of intended use or field of use,

(B)   "adapted to" or "adapted for" clauses,

(C)   "wherein" clauses, or

(D)   "whereby" clauses.

However, for argument purposes, the limitations including the terms "adapted to"

and "adapted" in claims 1 – 16 have been interprets as discussed bellow.

Regarding Claim 1, Coss discloses a data processing device adapted to be

installed in a data processing server adapted to receive primary data and to transmit

said primary data after application of dedicated processing based on primary rules by

control means, comprising:

a first table storing sets of at least one primary rule, called "primary metarules", in

a parameterizable form and in corresponding relationship to primary identifiers and (Fig.

Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which

values, such as, host, can be modified; which corresponds to a parameterizable form as

claimed; respectively, Coss); and

management means adapted to be coupled to said control means and on receipt

of auxiliary data representing operating parameters delivered by said control means

after reception by the server of secondary data (Col. 5, lines 35 – 41, Coss), to select at

least one of the primary identifiers in the first table (Col. 5, lines 43 – 46, Coss) and

associate said auxiliary data therewith so as to define said dedicated processes (Col. 4

and 5, lines 3 – 6 and 35 – 40; respectively, Coss).

Regarding Claim 2, Coss discloses a device, further comprising a second table

accessible to said management means in which are stored secondary identifiers each in

corresponding relationship to at least one selected primary identifier associated with

auxiliary data (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4

corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 3, Coss discloses a device, wherein said management means

are adapted, on receipt of said auxiliary data, to determine whether the at least one

selected primary identifiers corresponding to the type of said auxiliary data is present in the secondary table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and to associate the at least one selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 4, Coss discloses a device, wherein certain selected primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 5, Coss discloses a device, wherein said management means comprise a multiplicity of management submodules each adapted to manage the association of auxiliary data with at least one primary or secondary metarule (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss) and are adapted, on receipt of said auxiliary data, to determine which of said management submodules corresponds thereto (Col. 5, lines 43 – 46, Coss).

Regarding Claim 6, Coss discloses a device, wherein that said management means are adapted, on receipt of said auxiliary data communicated by the server, to add, delete or modify primary or secondary metarules or auxiliary data in the second table associated with said primary or secondary metarules (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 7, Coss discloses a device, wherein that said management means and said tables are part of a metafirewall adapted to manage a firewall equipping said server (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

· Regarding Claim 8, Coss discloses a firewall comprising a device (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

Regarding Claim 9, Coss discloses a data processing method consisting in applying dedicated processes based on primary rules to primary data received by a data processing server so that the received primary data is processed before being transmitted by said server, comprising:

a preliminary step in which there are stored in a first table sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers (Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss); and

on receipt of auxiliary data representing operating parameters delivered by the server after the receipt of secondary data (Col. 5, lines 35 – 41, Coss), at least one of the primary identifiers in the first table is selected (Col. 5, lines 43 – 46, Coss) and said auxiliary data is associated with said primary identifier so as to define said dedicated processes (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss).

Regarding Claim 10, Coss discloses a method, characterized in that, wherein during the preliminary step, secondary identifiers each in corresponding relationship to at least one selected primary identifier associated with auxiliary data are stored in a second table (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 11, Coss discloses a method, wherein on receipt of the auxiliary data, it is determined whether the at least one selected primary identifiers that corresponds to the type of auxiliary data is present in the second table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and to associate the at least one selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 12, Coss discloses a method, wherein certain primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 13, Coss discloses a method, wherein there are executed in parallel the selection of the primary or secondary metarules in the first table (Col. 5, lines 43 – 46, Coss) and the modification of the auxiliary data in the second table associated with the secondary identifier representing the selected primary or secondary metarules (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 14, Coss discloses a method, wherein, on receipt of complementary data communicated by said server, primary or secondary metarules are added to, deleted from or modified in the second table (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 15, Coss discloses a network data processing device, comprising:

a network data processing module (Col.3, lines 20 – 22, Coss); and

a management module coupled to said network data processing module, said management module comprising a first memory containing a first table (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss), said first table being adapted to contain primary identifiers associated with at least one parameterized rule (Col.4, lines 1 – 6, Coss) for providing direction to said network data processing module when one or more of (a) said primary identifiers and (b) said at least one parameterized rule are associated with at least one parameter value (Col.4, lines 1 – 6, "… designations of source and destination hosts, a designation of special service which can be called for in a packet…"; Coss[1]);

wherein said network data processing module, in response to receiving said direction, manages network data according to said direction (Col.4, lines 22 – 26, Coss).

Regarding Claim 16, Coss discloses a device, said management module further

comprising a second memory containing a second table, said second table being

adapted to contain secondary identifiers associated with at least one of said primary

identifiers and one or more respective parameter values (Fig. 3 and 4, Col. 5, lines 51 –

57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5,

Coss).

Regarding Claim 17, Coss discloses a method of processing network data,

comprising:

storing as entries in a first table, primary identifiers, each with one or more

associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively,

Coss);

receiving data comprising at least one parameter value (Col. 4, lines 8 – 11 and

26 – 29, Coss); and

making a determination whether said parameter value can be associated with an

existing one of the entries in said first table (Col. 4, lines 22 – 29, Coss);

when the determination is affirmative, making a combination of said parameter

value and said associated parameterized rules, and communicating said combination to

a network data processing module so as to direct said network data processing module

(Col. 5, lines 35 – 48; wherein the step of caching the results of applying the rule set to

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[1] Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a
parameterizable form as claimed (Col. 2, lines 37 – 41, Coss).

a packet of a give network session corresponds to the step of making a combination of

said parameter value and said associated parameterized rules as claimed, Coss).

Regarding Claim 18, Coss discloses a method of processing network data,

comprising:

storing as entries in a first table, first primary identifiers, each with one or more

associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively,

Coss);

storing as entries in a second table, secondary identifiers, each with one or more

associated second primary identifiers and one or more associated parameter values

(Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to

rule no. in table of Fig. 5, Coss);

receiving data comprising at least one new parameter value (Col. 6, lines 30 –

34, Coss);

determining at least one associable second primary identifier which said new

parameter value can be associated with (Col. 6, lines 41 – 44, Coss);

storing said new parameter value in association with said associable second

primary identifier (Col. 6, 44 – 47, Coss);

determining current associated parameter values and corresponding

parameterized rules for each of said secondary identifiers (Col. 6, lines 50 – 53, Coss);

making a combination said current associated parameter values and said corresponding parameterized rules for directing said network data processing module (Col. 6, lines 50 – 58, Coss); and

communicating said combination to a network data processing module so as to direct said network data processing module (Col. 6, lines 50 – 58, Coss).

Prior Art Made Of Record

1.   Underwood (US Parent No. 6,704,873 B1, filed July 30, 1999) discloses a secure

gateway interconnection in an e-commerce based environment.

2.   Underwood (US Patent No. 6,718,535 B1) discloses a system, method and

article of manufacture for an activity framework design in an e-commerce based

environment.

3.   Liu et al. (US Patent No. 6,839,680 B1) discloses an Internet Profiling.

4.   Coss et al. (US Patent No. 6,170,012 B1) discloses methods and apparatus for a

computer network firewall with cache query processing.

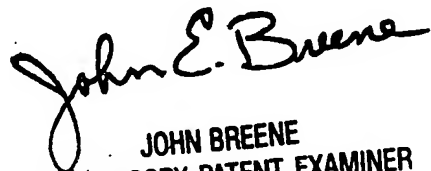5.   Coss et al. (US Patent No. 7,143,438 B1).

Points Of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Giovanna Colan whose telephone number is (571) 272-

2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
April 1, 2007

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